

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

ANTHONY DANIEL JOHNSON,

Civil 05-1440 (JRT/FLN)

Petitioner,

v.

**O R D E R**

JOAN FABIAN,  
COMMISSIONER OF CORRECTIONS,

Respondent.

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BRADFORD W. COLBERT, Esq., LEGAL ASSISTANCE TO MINNESOTA PRISONERS, William Mitchell College of Law, 875 Summit Avenue, Room 254, St. Paul, Minnesota 55105, for petitioner.

THOMAS R. RAGATZ, ASSISTANT ATTORNEY GENERAL, 445 Minnesota Street, Suite 1800, St. Paul, Minnesota 55101, for respondent.

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated August 24, 2005, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. Section 2254 [#1] is DENIED; and

2. This action is DISMISSED WITH PREJUDICE.

DATED: September 27, 2005  
at Minneapolis, Minnesota

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s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge